

Appl. No. 10/679,588

Reply to office Action of September 7, 2004

REMARKS/ARGUMENTS

Reconsideration of this patent application is respectfully requested in view of the following remarks.

The Examiner has provisionally rejected claims 1-5, 7-13 and 15 under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 10/679,603. Claims 6 and 14 were provisionally rejected under the judicially-created doctrine of obviousness-type double patenting as being unpatentable over claims 1-15 of copending Application No. 10/679,603 in view of U.S. Patent No. 5,144,923 to *Leites et al.*

The rejections are respectfully traversed.

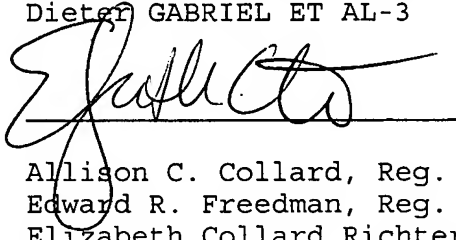
Applicants note that commonly owned Application 10/679,603 is projected to issue as U.S. Patent No. 6,820,582 on November 23, 2004. Applicants submit herewith a Terminal Disclaimer disclaiming, as provided therein, the terminal part of the statutory term of any patent granted on the present application which would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,820,582, granted on Application No. 10/679,603. Applicants respectfully submit that

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the Terminal Disclaimer overcomes the obviousness-type double patenting rejections and accordingly places pending claims 1-15 in condition for allowance. Accordingly, Applicants respectfully request early allowance of the remaining claims.

Respectfully submitted,
Dieter GABRIEL ET AL-3



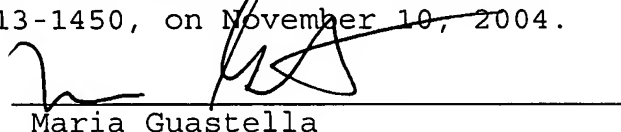
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Enclosures: Terminal Disclaimer
check for \$110.00

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on November 10, 2004.


Maria Guastella

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